

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM J. FOLEY,

Case No. 15-cv-773-PP

Plaintiff,

v.

MILWAUKEE COUNTY CIRCUIT COURT
JUDGE DENNIS P. MORONEY,

Defendant

**ORDER REQUIRING PLAINTIFF TO FILE AN AMENDED COMPLAINT, ON
THE REQUIRED FORM, BY AUGUST 14, 2015**

On July 1, 2015, this court issued an order. Dkt. No. 4. The court denied the plaintiff's motion to substitute, explaining that there is no automatic substitution process in federal court. The court granted the plaintiff's petition to proceed without paying the filing fee. The court dismissed the plaintiff's complaint without prejudice, and ordered that if he wanted to proceed with the lawsuit, he needed to file an amended complaint by August 14, 2015. The court sent the plaintiff a packet entitled "Guide to Filing Complaints Without a Lawyer in Federal District Court," and "strongly urge[d]" the plaintiff to use the tips and advice in that packet when filing the amended complaint. The court noted that the plaintiff had not provided, among other things, the date or dates of the events which formed the basis for his suit.

On July 22, 2015, instead of filing an amended complaint as the court had ordered, the plaintiff filed a document entitled "Plaintiff's Responses." Dkt.

No. 5. In this document, he explained who he wished to sue (Milwaukee County Circuit Court Judge Dennis P. Moroney). He provided the case name and number of the case in which the alleged events took place. He also offered to withdraw his motion for substitution of counsel “[i]f the court perceives it is impractical.” Id.

The plaintiff does not need to withdraw his motion to substitute counsel—the court has denied that motion. The court denied the motion, not because it was “impractical,” but because—as the court tried to explain—there is no such automatic substitution process in federal district court.


While the plaintiff provided some of the information the court was missing, he still has not provided the dates upon which the alleged violations of his rights occurred. Nor did he file an actual amended *complaint*. The court sent him the “Guide to Filing Complaints” packet because, among other things, it contains a form complaint for plaintiffs to use. The court intended—although, upon reviewing the order, it realizes that it did not specifically require—that the plaintiff would use the form in that packet.

The court will give the plaintiff one more chance to file an *amended complaint*—not responses, not statements, not corrections, but an *amended complaint*. The complaint should state exactly what the defendant did to violate the plaintiff’s civil rights, when and where he took those actions and, if the plaintiff knows, why he took those actions. The court will require the plaintiff to do this by the same deadline—August 14, 2015. The court again encloses the “Guide to Filing Complaints” packet.

The court **ORDERS** that by the end of the day on Friday, August 14, 2015, the plaintiff must file an amended complaint, using the form contained in the "Guide to Filing Complaints Without a Lawyer in Federal District Court," and explaining when the alleged civil rights violations occurred. If the plaintiff fails to file the amended complaint by the deadline, on the required form, the court may dismiss his case without further notice or hearing.

Dated in Milwaukee this 27th day of July, 2015.

BY THE COURT:



HON. PAMELA PEPPER
UNITED STATES DISTRICT JUDGE